

REMARKS/ARGUMENTS

Interview Summary

Applicant's attorney gratefully acknowledges the Examiner's courtesy in speaking with the Applicant's U.S. attorney, Stephen M. Nipper and Applicant's U.K. practitioner (Bryn Williams) on May 1, 2008 regarding the Office Action dated November 16, 2007, the "Atkins" reference and the claims. The parties were not able to reach an agreement regarding the allowability of the claims at that time. The Applicant thanks the Examiner nonetheless.

Amendments in General

Applicant has amended claim 1 to remove the previous amendment which: *"amended claim 1 to add the limitation from cancelled claim 4 that the lip is undercut. Support for this amendment can be found in paragraph [0009] and in claim 4 as filed."* Such a change adds no new matter.

Claim 1 has been amended to clarify that the body comprises a "radially outwardly extending" deformable lip. Support for this amendment can be found in paragraph [0009]. Such a change adds no new matter.

Claim 1 has been amended to clarify that:

...the body further comprising a radially inwardly extending, resilient diaphragm, the diaphragm being arranged perpendicular to a body longitudinal axis, the diaphragm defining the minimum diameter of the body such that, when connected to a waste pipe prior to fitting of a toilet, the diaphragm restricts backflow of fumes from the waste pipe...

Support for this amendment can be found in paragraph [0033]. No new matter has been added.

New claim 27 has been added, which claims that "said diaphragm defines an annular ridge on the underside thereof." Support for this amendment can be found in paragraph [0033]. No new matter has been added.

Claim 25 has been cancelled.

Claim Rejections - 35 USC § 103

The Examiner rejected pending claims 1-3, 6-9, 11-20, 24 and 25 under 35 USC §103(a) as being unpatentably over WO 00/09825 ("Atkins"¹). Of those claims, claims 1 and 25 are independent.

Applicant believes the above amendments render the rejection regarding claim 1 and the claims that depend there-from moot.

In the interest of expediting examination, Applicant further points out that the differences between the diaphragm of claim 1 and the fins of Figure 18 (Atkins) are: (1) the Atkins fins are not perpendicular to the thoroughbore axis, and (2) they do not serve to restrict the backflow of fume as they do not define the minimum diameter of the body.

As such, claim 1 and the claims that depend there-from (claims 1-3, 6-9, 11-20, 24 and 27) are all allowable.

CONCLUSION

Entrance of these amendments as well as the consideration and allowance of the application as amended is respectfully requested. If the Examiner has any questions in regard to this Response, the Examiner is invited to phone the undersigned below.

DATED: This 15th day of May, 2008.

Best regards,

/Stephen M. NIPPER/

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¹ Note: The "Atkins" reference (WO 00/09825) is referred to herein as "Atkins." This should not be confused with the fact that the first named inventor on this (10/625,300) application is the same Nicholas Atkins. For sake of clarity, any reference to "Atkins" in this Response will be in reference to the "Atkins" reference (WO 00/09825) and not to the present application, which will be referred to as the Application.

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8

I HEREBY CERTIFY that this correspondence is being transmitted to the United States Patent and Trademark Office by EFS-Web on the date below.

DATED: This 15th day of May, 2008.

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